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Executive Registry

6-2/35

21 October 1954

OGC Has Reviewed

MEMORANDUM FOR: Deputy Director of Central Intelligence
Assistant Director for Personnel
Director of Security
Deputy Director (Administration)

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SUBJECT: Proposed Regulation []

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1. This office has been requested to revise Regulation [] to incorporate various features which experience has indicated are necessary. The attached regulation is the result of reworking the proposed Regulation [] which was in process to rescind Regulation []. The following will attempt to explain the proposed regulation, and paragraphs are keyed to paragraphs of the regulation:

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- "1. Statutory Authority." This is simply a citation of the Director's authority.
- "2. General." This paragraph indicates that this regulation establishes procedures for terminating employees under the Director's authority. It points out that Regulation [] (Executive Order 10450 programs) will be used except that in a sensitive case, as determined by the DCI DDCI, Regulation [] will be utilized.
- "3a. Employment Review Board." This states as a principle that in every case prior to the exercise by the DCI of his authority the case will be considered by an Employment Review Board. This office feels that such a requirement is highly desirable and serves to protect both the employee of the Agency as well as the Director.
- "3b. Deputy Director (Administration)." The Deputy Director (Administration) requested this statement of responsibility be included.
- "4a. Membership." This provides for at least three senior officials as voting members and establishes the General Counsel as an advisor without vote and as Recording Secretary and also designates the Director of Security as an advisor without vote.
- "4b. Appointment." This provides that the Deputy Director of Central Intelligence shall designate the Board members and

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the individual who will function as Chairman. In his absence, the authority is vested in the Assistant Director for Personnel or the Deputy Assistant Director for Personnel.

- "4c. Meetings." This provides for the meeting of the Board at the call of the Chairman and makes him responsible for the timely completion of the case.
- "5a. Initiation." This authorizes the heads of major components to refer cases of employees to the AD/P with recommendation for consideration by an ERB.
- "5b. Initial Review." The AD/P reviews cases referred to him to determine whether they should be referred to an Employment Review Board or whether other separation procedures or actions would be more appropriate. The Assistant Director for Personnel acts with the advice of the Director of Security. Cases referred by the Director of Security are handled as provided for in 5c.
- "5c. Referral by the Director of Security." The Director of Security is authorized to refer a case arising within the scope of his functions to the DCI or the DDCI for consideration by an Employment Review Board. However, cases will be routed through the Assistant Director for Personnel and the General Counsel.
- "5d. The DCI or the DDCI makes the determination whether the case will be handled by an Employment Review Board. Further, either official approves whether the employee is suspended without pay, placed on leave, or permitted to remain in a work status. There is a clear-cut provision for the DCI to take such suspension action as he deems warranted without regard for the provisions of regulations.
- "5e. Notice to the Employee." This provides that the Assistant Director for Personnel be advised of action taken by the DCI or the DDCI and then prior to dispatch of notice to employee, the Assistant Director for Personnel will personally notify the head of the major component concerned.
- "5f. Charges." This provides that the Assistant Director for Personnel or the Director of Security will prepare, in collaboration with the General Counsel, specific information on which the Board action is based.
- "5g. Preparation of Statement to Employee of Basis for Board Action." This paragraph provides for providing notice to the employee of the action in his case. Such notice is to be delivered to him personally or sent registered mail. The

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notice contains the following information:

- (1) Information is available indicating possibility of his termination under the Director's authority.
- (2) That his case will be heard by the Board within ten days from date of notice or as soon as possible thereafter. The employee may request an extension of time by a request to the Assistant Director for Personnel.
- (3) That the employee may submit a written statement to the Assistant Director for Personnel for consideration by the Board or may request to appear in person. The statements shall be notarized, and testimony before the board shall be under oath.
- (4) That the employee may resign at any time prior to the DCI's action, and after an unfavorable decision by the DCI, he may resign, if authorized, within 48 hours.
- (5) The statement contains information on the basis of which the Board is considering his case.
- (6) Inquiry should be directed to the Assistant Director for Personnel.
- (7) Status of the employee with respect to leave, duty status, or suspension without pay.

"5h. Personal Appearance." This paragraph provides for scheduling appearances of the employee before the Board by arrangement of the Office of Personnel with the Recording Secretary.

"5i. Record of Board Proceedings." This provides for a verbatim transcript of Board proceedings to be forwarded with the Board's recommendations to the DCI.

"6. Board Recommendations." This provides for the Board to consider all available evidence in preparing a written recommendation to the DCI for the signature of each voting member. It further provides for individually signed comments by any member or advisor.

"7a. Final Decision." This provides for attaching complete record of the case to the Board recommendations and further provides that the Director's decision shall be final.

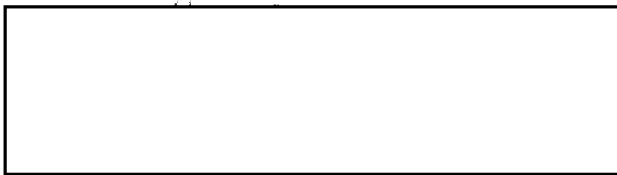
"7b. Restoration to Duty." This provides for the restoration of leave and payment of salary in the event the employee is without pay for any period, if the case is decided favorably for the employee.

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- "7c. Resignation." This provides that the Recording Secretary will be notified immediately if the employee elects to resign.
- "7d. Removal." This provides for the preparation of a removal action and cites the Director's authority, if that is the Director's final decision.
- "7e. Report to the Civil Service Commission." This indicates notification by the Agency to the Civil Service Commission.



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